

Monday April 27, 1998

Part XXIV

Federal Emergency Management Agency

Semiannual Regulatory Agenda

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Federal Emergency Management Agency publishes its semiannual regulatory agenda in April and October to inform interested parties of progress on FEMA regulations. The agenda lists regulations that will be under development or review during the period April 1, 1998, to September 30, 1998.

ADDRESSES: For information about specific regulations, please contact the person listed as the agency contact in the agenda.

FOR FURTHER INFORMATION CONTACT: For general information on FEMA's regulatory agenda, contact H. Crane Miller, Office of the General Counsel, Federal Emergency Management

Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3340, FAX (202) 646-4536, or e-mail Crane.Miller@fema.gov.

SUPPLEMENTARY INFORMATION: Executive Order 12866 "Regulatory Planning and Review" directs each executive agency to publish only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need. Publication of an agenda of regulations is called for semiannually in order to give the public adequate notice of agency rulemaking activities; also, a regulatory agenda concerning rules likely to be significant regulatory actions must be published.

In fulfillment of the requirements of Executive Order 12866, this agenda describes current and projected regulatory actions and rules that will be under review or development during the period April 1, 1998, to September 30, 1998. This agenda also contains information about regulations on which action was completed since the last FEMA semiannual agenda was published Wednesday, October 29, 1997, at 62 FR 58204 to 58209.

We invite public comment on the agenda, including comments by State and local governments. Comments should be submitted to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472; FAX (202) 646-4536. Please refer to the title of the rule about which you are inquiring or commenting and the rule's Regulation Identifier Number (RIN) found at the end of each agenda entry.

The agenda is not limited to significant regulatory actions and contains information concerning FEMA regulations to be developed, reviewed, or published in the next 12 months except for routine flood elevation determinations, listings of eligible communities under the National Flood Insurance Program, listings of suspended communities and similar designations under the National Flood Insurance Program, and FEMA organizational and management matters.

Dated: March 9, 1998. **Ernest B. Abbott,** *General Counsel.*

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3616	Disaster Assistance; Declaration Process	3067-AC72

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3617	Group Flood Insurance Policy for Individual and Family Grant Program	3067-AC35
3618	Flood Mitigation Assistance Program	3067-AC45
3619	Disaster Assistance; Individual Assistance Programs	3067-AC51
3620	Disaster Assistance; Allowable Cost	3067-AC59
3621	Criminal and Civil Penalties Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act	3067-AC61
3622	National Dam Safety Program; Assistance for State Programs	3067-AC64
3623	Organization, Functions and Delegation of Authorities	3067-AC66
3624	Disaster Assistance; Public Assistance Program Administration; Hazard Mitigation Grant Program	3067-AC67
3625	Disaster Assistance; Fire Suppression Assistance	3067-AC68
3626	Disaster Assistance; Hazard Mitigation Grant Program	3067-AC69
3627	Government Grants Management Requirements	3067-AC70
3628	Enforcement under Title IX of the Education Amendments of 1972	3067-AC71
3629	Production or Disclosure of Information	3067-AC75
3630	Taxpayer Identification Numbers	3067-AC76
3631	Debt Collection	3067-AC77

FEMA

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3632	Establish Flood Insurance Rate Zone AR	3067-AC17
3633	Disaster Assistance; Hazard Mitigation	3067-AC46
3634	National Flood Insurance Program; Allocated Loss Adjustment Expense	3067-AC47
3635	Disaster Housing Resources Program	3067-AC52
3636	Disaster Assistance; Appeals Procedures	3067-AC56
3637	Disaster Assistance; Snow Removal Assistance	3067-AC58
3638	Disaster Assistance; Restoration of Damaged Facilities	3067-AC60
3639	National Flood Insurance Program: Assistance to Private Sector Property Insurers	3067-AC62
3640	National Flood Insurance Program; Standard Flood Insurance Coverage and Rates	3067-AC63
3641	National Flood Insurance Program; Standard Flood Insurance Policy	3067-AC73
3642	Financial Management; Audits of States, Local Governments, and Nonprofit Organizations	3067-AC74

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Proposed Rule Stage

3616. ● DISASTER ASSISTANCE: DECLARATION PROCESS

Priority: Substantive, Nonsignificant Legal Authority: 42 USC 5121 et seq

CFR Citation: 44 CFR 206 Legal Deadline: None

Abstract: This proposed rule would establish the financial criteria under which a cost-share adjustment would be granted for permanent restorative work and for emergency work unless

otherwise adjusted and caps that costshare at 90 percent Federal. Secondly, it would phase in the threshold for granting cost-share adjustments to current dollars over a two-year period, and would allow that threshold to be adjusted annually for inflation.

Timetable:

Action	Date	FR Cite
NPRM	03/05/98	63 FR 10816
NPRM Comment	05/04/98	
Period End		

Small Entities Affected: None

Government Levels Affected: State.

Local

Agency Contact: Patricia Stahlschmidt, Federal Emergency Management Agency, 500 C Street SW., Washington

DC 20472

Phone: 202 646-4066 Fax: 202 646-4060 **RIN:** 3067-AC72

CFR Citation: 44 CFR 78

Legal Deadline: None

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Long-Term Actions

3617. GROUP FLOOD INSURANCE POLICY FOR INDIVIDUAL AND **FAMILY GRANT PROGRAM**

Priority: Substantive, Nonsignificant **Unfunded Mandates:** Undetermined

Legal Authority: 42 USC 5174; 42 USC 5178

CFR Citation: 44 CFR 206 **Legal Deadline:** None

Abstract: This interim final rule establishes a Group Flood Insurance Policy to be issued by the National Flood Insurance Program when Federal disaster assistance for flood damage to real or personal property, or both, is provided under the Individual and Family Grant Program following a major disaster declaration by the President.

Timetable:

Action	Date	FR Cite
NPRM	03/15/95	60 FR 13945
Interim Final Rule	05/01/96	61 FR 19197
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laurence W. Zensinger, Federal Emergency Management Agency, 500 C Street SW.,

Washington, DC 20472 Phone: 202 646-4262 RIN: 3067-AC35

3618. FLOOD MITIGATION

USC 4104d

Priority: Substantive, Nonsignificant Legal Authority: 42 USC 4104c; 42

ASSISTANCE PROGRAM

Abstract: This interim final rule implements secs. 553 and 554 of the National Flood Insurance Reform Act of 1994 to provide grants under the National Flood Mitigation Fund to States and communities for planning assistance and for mitigation projects

that reduce the risk of flood damages to structures covered under contracts for flood insurance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/20/97	62 FR 13346
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State.

Local, Tribal

FEMA Long-Term Actions

Agency Contact: Gil Jamieson, Federal Emergency Management Agency, 500 C Street SW., Washington DC 20472

Phone: 202 646-4090 RIN: 3067-AC45

3619. DISASTER ASSISTANCE: INDIVIDUAL ASSISTANCE **PROGRAMS**

Priority: Substantive, Nonsignificant Legal Authority: 42 USC 5121 et seq;

42 USC 5179; 42 USC 5180 CFR Citation: 44 CFR 206 Legal Deadline: None

Abstract: This proposed rule would revise certain individual assistance programs under the Robert T. Stafford Disaster Relief and Emergency

Assistance Act (Stafford Act), namely disaster legal services, crisis counseling assistance and training, the Cora Brown Fund, duplication of benefits, and food commodities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None Government Levels Affected: None

Agency Contact: Karen J. Keefer, Federal Emergency Management Agency, 500 C Street SW., Washington,

DC 20472

Phone: 202 646-3658 Fax: 202 646-2723 RIN: 3067-AC51

3620. DISASTER ASSISTANCE: **ALLOWABLE COST**

Priority: Substantive, Nonsignificant Legal Authority: 42 USC 5121 et seq

CFR Citation: 44 CFR 206 Legal Deadline: None

Abstract: This proposed rule would require grantees under the Public Assistance program to account for and report actual statutory administrative costs. The proposed rule would require grantees to document how the grant funds were spent and to return excess funds if actual eligible expenditures are less than the statutory allowances.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Melissa M. Howard, Federal Emergency Management Agency, 500 C Street SW., Washington,

DC 20472

Phone: 202 646-3053 RIN: 3067-AC59

3621. CRIMINAL AND CIVIL PENALTIES UNDER THE ROBERT T. STAFFORD DISASTER RELIEF AND **EMERGENCY ASSISTANCE ACT**

Priority: Substantive, Nonsignificant Legal Authority: 42 USC 5157(d); PL 101-410; 28 USC 2461; PL 104-134, sec 31001(s)

CFR Citation: 44 CFR 206 Legal Deadline: None

Abstract: This proposed rule would increase the maximum civil penalty under the Robert T. Stafford Disaster Relief and Emergency Assistance Act from \$5,000 to \$5,500.

Timetable:

Action	Date	FR Cite
NPRM		62 FR 5957
NPRM Comment	04/11/97	02 FR 3937
Period End	0 1/ 1 1/01	
Final Action	00/00/00	

Small Entities Affected: None **Government Levels Affected: None**

Agency Contact: Richard S. Buck, IV. Federal Emergency Management Agency, 500 C Street SW., Washington,

DC 20472

Phone: 202 646-4091 RIN: 3067-AC61

3622. NATIONAL DAM SAFETY PROGRAM; ASSISTANCE FOR STATE **PROGRAMS**

Priority: Substantive, Nonsignificant Legal Authority: PL 104-303

CFR Citation: 44 CFR 145 Legal Deadline: None

Abstract: This proposed rule would provide direction and guidance for financial assistance to State dam safety programs to improve and enhance the safety of dams throughout the United States.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State Agency Contact: Harold Andress, Federal Emergency Management Agency, 500 C Street SW., Washington

Phone: 202 646-2801 RIN: 3067-AC64

DC 20472

3623. ORGANIZATION, FUNCTIONS AND DELEGATION OF AUTHORITIES

Priority: Info./Admin./Other Legal Authority: 5 USC 552 CFR Citation: 44 CFR 2 Legal Deadline: None

Abstract: This final rule revises FEMA regulations on Organization, Functions and Delegations of Authority to reflect the creation of a new Directorate, the **Information Technology Services** Directorate, and to reflect reassignment of certain responsibilities within existing directorates.

Timetable:

Action	Date	FR Cite	
Final Action	00/00/00		
Small Entities Affected: None			

Government Levels Affected: None Agency Contact: H. Joseph Flynn,

Federal Emergency Management Agency, 500 C Street SW., Washington

DC 20472 Phone: 202 646-4102

Fax: 202 646-4536 RIN: 3067-AC66

3624. DISASTER ASSISTANCE; **PUBLIC ASSISTANCE PROGRAM** ADMINISTRATION: HAZARD **MITIGATION GRANT PROGRAM**

Priority: Substantive, Nonsignificant Legal Authority: 42 USC 5121 et seq

CFR Citation: 44 CFR 206 Legal Deadline: None

Abstract: This proposed rule would change the procedure for the review and disposition of appeals related to Public Assistance grants and the Hazard Mitigation Grant Program (HMGP). The rule would simplify the administrative process and reduce delays in reaching final resolution of appeals.

Timetable:

Action	Date	FR Cite
NPRM	11/24/97	62 FR 6254

FEMA Long-Term Actions

Action	Date	FR Cite
NPRM Comment Period End	01/23/98	
Final Action	00/00/00	

Small Entities Affected: None **Government Levels Affected: None**

Agency Contact: Melissa M. Howard, Federal Emergency Management Agency, 500 C Street SW., Washington

DC 20472

Phone: 202 646-3053 Fax: 202 646-3304 RIN: 3067-AC67

3625. DISASTER ASSISTANCE; FIRE SUPPRESSION ASSISTANCE

Priority: Substantive, Nonsignificant Legal Authority: 42 USC 5121 et seq;

42 USC 5187

CFR Citation: 44 CFR 206 Legal Deadline: None

Abstract: This proposed rule would simplify the fire eligibility process from three thresholds to one threshold and would change the Federal cost share to 75 percent for fire suppression grants.

Timetable:

Action	Date	FR Cite
NPRM	11/24/97	62 FR 62542
NPRM Comment Period End	01/23/98	
Final Action	00/00/00	

Small Entities Affected: None **Government Levels Affected: State**

Agency Contact: Curtis Carleton, Federal Emergency Management Agency, 500 C Street SW., Washington

DC 20472

Phone: 202 646-4535 RIN: 3067-AC68

3626. DISASTER ASSISTANCE: HAZARD MITIGATION GRANT **PROGRAM**

Priority: Substantive, Nonsignificant Legal Authority: 42 USC 5121 et seq

CFR Citation: 44 CFR 206 Legal Deadline: None

Abstract: This proposed rule would revise the categories of projects eligible for funding under the Hazard Mitigation Grant Program. It emphasizes nonstructural flood mitigation measures to reduce the

number of floodprone structures and clarifies that major structural flood control projects will not be considered for funding under the grant program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert F. Shea, Federal Emergency Management Agency, 500 C Street SW., Washington

DC 20472

Phone: 202 646-3619 Fax: 202 646-3104 RIN: 3067-AC69

3627. GOVERNMENT GRANTS MANAGEMENT REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-156 CFR Citation: 44 CFR 13 Legal Deadline: None

Abstract: This interim final common rule revises FEMA's and other agencies' grants management common rule,

'Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," to provide uniform fiscal and

administrative requirements to all types of grants and cooperative agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/29/97	62 FR 45937
Interim Final Rule Effective	09/29/97	
Interim Final Rule Comment Period End	10/28/97	
Final Action	00/00/00	

Small Entities Affected: None Government Levels Affected: None

Procurement: This is a procurementrelated action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Charles F. McNulty, Federal Emergency Management Agency, 500 Č Street SW., Washington

DC 20472

Phone: 202 646-2976 RIN: 3067-AC70

3628. ENFORCEMENT UNDER TITLE IX OF THE EDUCATION **AMENDMENTS OF 1972**

Priority: Substantive, Nonsignificant Legal Authority: 20 USC 900 et seq

CFR Citation: 44 CFR 19 Legal Deadline: None

Abstract: This proposed joint rule would enforce title IX of the Education Amendments of 1972 applicable to training programs of FEMA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pauline C. Campbell, Federal Emergency Management Agency, 500 C Street SW., Washington

DC 20472

Phone: 202 646-4122 RIN: 3067-AC71

3629. ● PRODUCTION OR **DISCLOSURE OF INFORMATION**

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-231 CFR Citation: 44 CFR 5 Legal Deadline: None

Abstract: This proposed rule would give the public access to government information and records maintained in an electronic format, provide for expedited processing of certain requests, establish an "electronic reading room," require redacted material to be estimated or indicated in an agency's delay in processing requests, and require FEMA to make an agency reference guide on the Freedom of Information Act (FOIA) available.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None Agency Contact: Sandra Jackson,

Federal Emergency Management Agency, 500 C Street SW.

Phone: 202 646-3840 Fax: 202 646-4536 RIN: 3067-AC75

FEMA Long-Term Actions

3630. ● TAXPAYER IDENTIFICATION **NUMBERS**

Priority: Substantive, Nonsignificant Legal Authority: 31 USC 7701(c)

CFR Citation: 44 CFR 6 Legal Deadline: None

Abstract: This proposed rule would implement the Debt Collection Improvement Act requirement that any person doing business with a Federal agency must provide the agency with the person's taxpayer identification number.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Small Entities	Affected: Nor	ne
Government L	evels Affected	d: None
Agency Conta Federal Emerge		

Agency, 500 C Street SW., Washington

DC 20472 Phone: 202 646-4091

RIN: 3067-AC76

3631. ● DEBT COLLECTION

Priority: Substantive, Nonsignificant Legal Authority: 31 USC 3720A CFR Citation: 44 CFR 11 Legal Deadline: None

Abstract: Under this rule FEMA will refer delinquent debts owed to this Agency to the Department of the Treasury for collection under the Governmentwide Treasury Offset Program and for tax refund offsets at the same time. FEMA amends its administrative offset regulations to allow administrative offset against delinquent debtor States and units of general local government. FEMA also

amends its regulations to change the method for calculating interest, penalty and administrative charged assessed on delinquent debts and to make States and units of general local government subject to such changes.

Timetable:

Action	Date FR Cite
Interim Final Rule	01/08/98 63 FR 1063
Final Action	00/00/00

Small Entities Affected: None

Government Levels Affected: State,

Local

Agency Contact: Richard S. Buck, IV, Federal Emergency Management Agency, 500 C Street SW., Washington

DC 20472

Phone: 202 646-4091 RIN: 3067-AC77

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Completed Actions

3632. ESTABLISH FLOOD INSURANCE RATE ZONE AR

Priority: Substantive, Nonsignificant Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.

CFR Citation: 44 CFR 59; 44 CFR 60;

44 CFR 61; 44 CFR 65

Completed:

Reason	Date	FR Cite
Final Action	10/27/97	62 FR 55706

Small Entities Affected: None Government Levels Affected: Local Agency Contact: Michael K. Buckley

Phone: 202 646-2756 **RIN:** 3067–AC17

3633. DISASTER ASSISTANCE; **HAZARD MITIGATION**

Priority: Substantive, Nonsignificant CFR Citation: 44 CFR 206

Completed:

FR Cite Reason Date Withdrawn -03/05/98 Consolidated With

RIN 3067-AC69

Small Entities Affected: None Government Levels Affected: State.

Local, Tribal

Agency Contact: Donna M. Dannels

Phone: 202 646-3662 Fax: 202 646-3104 RIN: 3067-AC46

3634. NATIONAL FLOOD INSURANCE PROGRAM; ALLOCATED LOSS **ADJUSTMENT EXPENSE**

Priority: Substantive, Nonsignificant

CFR Citation: 44 CFR 62

Completed:

Reason	Date	FR Cite
Final Action	07/19/96	61 FR 37687

Small Entities Affected: None **Government Levels Affected: None** Agency Contact: Charles M. Plaxico, Jr. Phone: 202 646-3422

RIN: 3067-AC47

3635. DISASTER HOUSING RESOURCES PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 44 CFR 206

Completed:

FR Cite Reason Date Withdrawn 03/05/98

Small Entities Affected: None Government Levels Affected: None Agency Contact: Agnes C. Mravcak

Phone: 202 646-2730 RIN: 3067-AC52

3636. DISASTER ASSISTANCE; **APPEALS PROCEDURES**

Priority: Substantive, Nonsignificant

CFR Citation: 44 CFR 206

Completed:

Reason	Date	FR Cite
Withdrawn - Superseded by RIN 3067-AC67	03/05/98	

Small Entities Affected: None Government Levels Affected: None Agency Contact: Melissa M. Howard

Phone: 202 646-3053 RIN: 3067-AC56

3637. DISASTER ASSISTANCE: SNOW REMOVAL ASSISTANCE

Priority: Substantive, Nonsignificant

CFR Citation: 44 CFR 206

Completed:

Reason Date FR Cite Final Action 08/27/97 62 FR 45328

Small Entities Affected: None Government Levels Affected: None FEMA Completed Actions

Agency Contact: Melissa M. Howard Phone: 202 646-3053

RIN: 3067–AC58

3638. DISASTER ASSISTANCE; RESTORATION OF DAMAGED FACILITIES

Priority: Substantive, Nonsignificant

CFR Citation: 44 CFR 206

Completed:

 Reason
 Date
 FR Cite

 Final Action
 02/05/98 63 FR 5895

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Melissa M. Howard

Phone: 202 646-3053

RIN: 3067-AC60

3639. NATIONAL FLOOD INSURANCE PROGRAM: ASSISTANCE TO PRIVATE SECTOR PROPERTY INSURERS

Priority: Substantive, Nonsignificant

CFR Citation: 44 CFR 62

Completed:

Reason	Date	FR Cite
Withdrawn	03/05/98	

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Edward T. Pasterick

Phone: 202 646-3443

RIN: 3067-AC62

3640. NATIONAL FLOOD INSURANCE PROGRAM; STANDARD FLOOD INSURANCE COVERAGE AND RATES

Priority: Substantive, Nonsignificant

CFR Citation: 44 CFR 61

Completed:

Reason Date FR Cite
Withdrawn 03/05/98
Small Entities Affected: None

Government Levels Affected: None Agency Contact: Charles M. Plaxico

Phone: 202 646-3422 RIN: 3067-AC63

3641. ● NATIONAL FLOOD INSURANCE PROGRAM; STANDARD FLOOD INSURANCE POLICY

Priority: Substantive, Nonsignificant **Legal Authority:** 42 USC 4001 et seq

CFR Citation: 44 CFR 61 Legal Deadline: None

Abstract: This rule increases the amount of the deductible under the Standard Flood Insurance Policy -- from \$750 to \$1,000 -- for structures with subsidized coverage.

Timetable:

Action	Date	FR Cite
NPRM	10/07/97	62 FR 52304
Final Action	12/17/97	62 FR 66026

Small Entities Affected: None Government Levels Affected: None

Agency Contact: Charles M. Plaxico, Federal Emergency Management Agency, 500 C Street SW., Washington

DC 20472

Phone: 202 646-3422 RIN: 3067–AC73

3642. • FINANCIAL MANAGEMENT; AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: PL 104-128 CFR Citation: 44 CFR 13 Legal Deadline: None

Abstract: This proposed rule would add a new part 19 to title 44, Code of Federal Regulations (CFR), to set forth standards for the audit of States local governments, and nonprofit organizations expending FEMA awards, including assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

Timetable:

Action	Date	FR Cite
Withdrawn	02/23/98	

Small Entities Affected: None

Government Levels Affected: State,

Local

Agency Contact: Charles F. McNulty, Federal Emergency Management Agency, 500 C Street SW., Washington

DC 20472

Phone: 202 646-2976

RIN: 3067-AC74

[FR Doc. 98-7567 Filed 04-24-98; 8:45 am]

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